

## Department of Planning and Budget 2015 Fiscal Impact Statement

**1. Bill Number:** HB2287

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

**2. Patron:** Hope

**3. Committee:** Courts of Justice

**4. Title:** Reproductive health care; action by employers prohibited.

**5. Summary:** Prohibits an employer from taking adverse action against any employee solely on the basis of a reproductive health care decision made by the employee or a dependent of the employee. The measure also prohibits an employer from accessing personal information regarding the employee's or the employee's dependent's reproductive health care decisions without the employee's prior informed affirmative written consent. The measure entitles an employee against whom adverse action is taken in violation of these provisions to bring a private cause of action against the employer, in which the court may award actual or punitive damages, including back pay with interest at the judgment rate, and reasonable attorney fees, or may grant injunctive relief.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary. See Item 8, below.

**8. Fiscal Implications:** It is anticipated that any expenditure impact to the Department of Labor and Industry can be absorbed with existing resources. The bill does not require enforcement but DOLI expects the agency will respond to inquiries.

According to the Department of Human Resource Management (DHRM), this bill should have no fiscal impact on employers participating in the health care plan established and administered by DHRM pursuant to § 2.2-2818, Code of Virginia. The Health Insurance Portability and Accountability Act of 1996 (HIPAA) establishes a firewall between the health plan and the employer. For state agencies covered by the Virginia Personnel Act, the privacy of records is further reinforced by human resource policies governing records disclosure, including all medical and health-related records.

**9. Specific Agency or Political Subdivisions Affected:** Department of Labor and Industry; Department of Human Resource Management; all state agencies; localities; court system.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.